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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,635	07/27/2001	Paul G. Allen	4000.2.44	1204

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EXAMINER

DESIR, JEAN WICEL

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,635

Applicant(s)

ALLEN ET AL.

Examiner

Jean W. Désir

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/27/04, Amedment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terakado et al (US 6,246,441) in view of Elliott et al (6,442,328).

Claim 1:

Terakado discloses:

“A wireless receiver for receiving a list of television programs from the digital video recorder; an integrated display screen for displaying the list to a user”, see Fig. 1 items 1, 9, 13, Figs. 2, 9;

“a plurality of user controls for controlling the digital video recorder, a least one user control for receiving a selection of a listed television program”, see Figs. 2, 9;

“and wireless transmitter for transmitting an indication of the selection selected television program to the digital video recorder to initiate recording of the selected television program from a live broadcast or playback of a previously-recorded copy of the selected television program”, see col. 11 lines 21-24, col. 9 lines 61-67, col. 10 lines 42-50;

the only difference between the claimed invention and Terakado's disclosure is that a digital video recorder is not explicitly shown in Terakado's disclosure as claimed. However Terakado initiates recording of the selected television program on a video recorder (a VTR) connected to an entertainment system; and DVR (digital video recorder) is a notoriously well known device in the art- as evidence see Elliott reference at Fig. 2, 3 item 200 which shows a digital video recorder integrated into a television entertainment system- used, in lieu of VTR, in entertainment system for making video recording and/or playback more convenient; an artisan would be motivated to modify Terakado's disclosure and implement this well known device in Terakado to arrive at the claimed invention; this implementation would result in a system that has a remote control device with an integrated display screen for controlling, inter alia, a digital video recorder; and would result in making video recording and/or playback more convenient. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 2, 3 are disclosed, see Terakado at Fig. 9, Elliott at col. 4 lines 52-60.

Claim 4 is disclosed, see Terakado at Figs. 2, 9, col. 6 lines 5-7, Elliott at col. 4 lines 52-60.

Claims 5, 6 are disclosed, see Elliott at col. 4 line 40 to col. 5 line 6, Terakado at Figs. 2, 9.

Claim 7 is disclosed, see Terakado at col. 9 lines 61-67, col. 10 line 42 to col. 11 line 24.

Claims 8, 9 are disclosed, see Terakado at col. 9 lines 61-67, col. 10 line 42 to col. 11 line 24, Elliott at col. 4 line 40 to col. 5 line 13.

Claims 10, 11 are disclosed in view of the above combination because the remote control can control the digital video recorder, see Elliott at Figs. 2, 3 items 144, 200, col. 4 lines 40-51, and Terakado at Figs. 9, 10, col. 11 lines 21-24.

Claim 12 is disclosed, see Terakado at col. 11 lines 21-24, and Elliott at col. 4 lines 40-43.

Claim 13 is disclosed, see Terakado at Figs. 2, 3 item 1f.

Claim 14:

Terakado discloses:

“a wireless transmitter for transmitting a list of television programs to a remote control device”, see Figs. 1, 5, 6, items 10, 14;

“a wireless receiver for receiving a selection of a listed television program from the remote control device”, see Figs. 1, 5, 6, items 10, 14;

and a recording and playback subsystem for selectively recording or playing back the selected television program”, see col. 9 lines 61-67, col. 11 lines 21-24;

“a wireless receiver for receiving the list of television programs from the digital video recorder; an integrated display screen for displaying the list to a user”, see Fig. 1 items 1, 9, 13, Figs. 2, 9;

“a plurality of user controls for controlling the digital video recorder, a least one user control for receiving a selection of a listed television program from the user”, see Figs. 2, 9;

“and wireless transmitter for transmitting an indication of the ~~selection~~ selected television program to the digital video recorder to initiate recording of the selected television program from a live broadcast or playback of a previously-recorded copy of the selected television program”, see col. 11 lines 21-24, col. 9 lines 61-67, col. 10 lines 42-50;

the only difference between the claimed invention and Terakado's disclosure is that a digital video recorder is not explicitly shown in Terakado's disclosure as claimed. However Terakado initiates recording of the selected television program on a video recorder (a VTR) connected to an entertainment system; and DVR (digital video recorder) is a notoriously well known device in the art- as evidence see Elliott reference at Fig. 2, 3 item 200 which shows a digital video recorder integrated into a television entertainment system- used, in lieu of VTR, in entertainment system for making video recording and/or playback more convenient; an artisan would be motivated to modify Terakado's disclosure and implement this well known device in Terakado to arrive at the claimed invention; this implementation would result in a system that has a remote control device with an integrated display screen for controlling, inter alia, a digital video recorder; and would result in making video recording and/or playback more convenient. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 15:

“an encoder for digitally encoding a television program in a compressed format”, see Elliott at Fig. 3 item 216;

“a mass storage device for storing the encoded television program”, see Elliott at Fig. 3 item ROTATING STORAGE DRIVE;

“a decoder for decoding a television program retrieved from the mass storage device”, see Elliott at Fig. 3 item 122;

“and a display controller displaying the decoded television program on an external device”, see Elliott at Fig. 3 items 120, 300.

Claim 16 is disclosed, see Elliott at col. 3 lines 35-36.

Claims 17-20 are disclosed, see Elliott at col. 4 lines 5-15, 52-65.

Claims 21-32 are rejected for the same reasons as claims 2-13.

Claim 33 is rejected for the same reasons as claim 1.

Claims 34-39 are rejected for the same reasons as claims 2-3, 5, 7, 9-10.

Claim 40 is rejected for the same reasons as claim 14.

Claims 41, 43 are rejected for the same reasons as claim 15.

Claim 42 is rejected for same the reasons as claim 16.

Claims 44-51 are rejected for the same reasons as claims 17-22, 24, 26.

Claim 52 is rejected for the same reasons as claim 1.

Claim 53 is rejected for the same reasons as claim 14.

Response to Arguments

3. Applicant's arguments have been fully considered but they are moot in view of the new ground of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

May. 2, 06

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal stroke extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER